

The Honorable Tana Lin

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THROUGHTEK CO., LTD.,

Plaintiff,

V.

ANKER INNOVATIONS CO. LTD.,
ANKER INNOVATIONS, LTD.,
ANKER TECHNOLOGY CORPORATION,
FANTANSIA TRADING LLC,
POWER MOBILE LIFE, LLC.,
AMAZON.COM INC.,
HOME DEPOT USA INC.,
MICRO CENTER INC.,
TARGET CORPORATION,
LOWE'S COMPANIES INC., and
WALMART INC..

Defendants.

Case No. 2:23-CV-00515-TL

STIPULATION FOR STAY OF PROCEEDINGS AGAINST RETAILER DEFENDANTS

1 WHEREAS, on April 4, 2023, Plaintiff ThroughTEK Co., Ltd. (“ThroughTEK”) filed its
 2 Complaint in the above-captioned action (the “Action”) alleging that Defendants Anker
 3 Innovations, Ltd., Fantasia Trading LLC, and Power Mobile Life, LLC (the “Anker Defendants”
 4 or “Group I Defendants”), together with Amazon.com Inc., Home Depot USA Inc., Micro Center
 5 Inc., Target Corporation, Lowe’s Companies Inc. and Walmart Inc. (the “Retailer Defendants” or
 6 “Group II Defendants”) (all together, the “Defendants”)¹ (collectively, “the Parties”) infringe
 7 certain claims of ThroughTEK’s U.S. Pat. No. RE47,842 and 10,602,448 (collectively “the
 8 Patents-in-Suit”);

9 WHEREAS, ThroughTEK contends that the Anker Defendants directly and indirectly
 10 infringe the Patents-in-Suit by manufacturing, selling, offering to sell, or importing accused
 11 products into the United States;

12 WHEREAS, ThroughTEK further contends that the Retailer Defendants infringe the
 13 Patents-in-Suit by purchasing and then reselling or offering to resell accused products
 14 manufactured or supplied by the Anker Defendants;

15 WHEREAS, the Parties believe that all relevant and discoverable technical information
 16 with respect to the accused products and the Patents-in-Suit reside in the possession, custody,
 17 and/or control of ThroughTEK and/or the Anker Defendants;

18 WHEREAS, the Parties believe that a stay of ThroughTEK’s claims against the Retailer
 19 Defendants will advance judicial economy and simplify the issues for trial, by allowing the
 20 underlying case between ThroughTEK and the Anker Defendants to proceed first on the merits,
 21 including the resolution of ThroughTEK’s patent infringement claims against the Anker
 22 Defendants and any defenses and counterclaims pled by the Anker Defendants;

23 WHEREAS, the Parties believe that an adjudication on the merits, settlement, and/or
 24 dismissal of ThroughTEK’s claims against the Anker Defendants is likely to resolve
 25 ThroughTEK’s claims against the Retailer Defendants;

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¹ Orrick, Herrington & Sutcliffe LLP is making a special appearance on behalf of Defendants Home Depot USA Inc.,
 28 Micro Center Inc., Target Corporation, Lowe’s Companies Inc. and Walmart Inc, solely for purposes of this
 Stipulation, and not for any other purpose in this case.

WHEREAS, discovery in this case has not yet begun, none of the Defendants have responded to the Complaint, and no trial date has been set;

IT IS HEREBY STIPULATED AND AGREED by the undersigned counsel, subject to the approval of the Court, that:

1. All proceedings between ThroughTEK and the Retailer Defendants, including ThroughTEK's claims for infringement of the patents-in-suit, are STAYED, without prejudice to the right of ThroughTEK or any other Party to move to lift and/or modify such stay for good cause shown; and
2. After an adjudication on the merits and/or dismissal of ThroughTEK's claims against the Anker Defendants, the remaining Parties will meet and confer and jointly report to the Court regarding the potential continuation of the stay, lifting of the stay, or the dismissal of any remaining claims or defenses in this litigation within 30 days of said entry of judgment or dismissal.

Dated: July 11, 2023

By: /s/ Carl J. Marquardt
Carl J. Marquardt (WSBA No. 23257)
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Attorneys for Plaintiff ThroughTek Co., Ltd.

Dated: July 11, 2023 ORRICK, HERRINGTON & SUTCLIFFE LLP

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*Attorneys for Defendants Anker Innovations Ltd.,
Fantasia LLC, and Power Mobile Life, LLC*

Special appearance on behalf of Defendants Home Depot USA Inc., Micro Center Inc., Target Corporation, Lowe's Companies Inc. and Walmart Inc.

1 Dated: July 11, 2023

DLA PIPER

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9 *Attorneys for Defendant Amazon.com Inc.*

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1 **ORDER**
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5 Pursuant to the Parties' Stipulation, IT IS SO ORDERED.
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8 Dated this 13th day of July, 2023.
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13 Tana Lin
14 United States District Judge
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